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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/511,211

Filing Date: October 13, 2004

Appellant(s): JBIRA, AROUGG

Michael J. Ure
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/16/07 appealing from the Office action
mailed 10/05/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Claim 6 is unpatentable under 35

USC 103(a) over Dahan (US Patent Number 6,137,763) in view of IBM Technical Disclosure Bulletin "Algorithm for Managing Multiple First-In, First-Out Queues From a Single Shared Random-Access Memory" (August 1989, Vol. 32, No. 3B, pp 488-492).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,137,763 Dahan et al. 10-2000
IBM Technical Disclosure Bulletin "Algorithm for Managing Multiple First-In, First -Out
Queues From a Single Shared Random-Access Memory," (August 1989, Vol. 32, No.
3B, pp 488-492).

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claim:

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan et al. (U.S. Patent 6,137,763) in view of "Algorithm for Managing Multiple First-In, First-Out Queues From a Single Shared Random-Access Memory" (IBM Technical Disclosure Bulletin, Vol. 32, no. 3B).

Regarding claim 6, Dahan *et al.* disclose a multitrack optical disc reader (Fig. 1, element 10) comprising a multitrack optical pick up (Fig. 1, element 11) for reading data from multiple tracks of an optical disc and outputting the data from each track in

respective data streams (Col. 5, lines 38 and 39); and a memory bank (Fig. 1, element 30) in which first-in-first-out (FIFO) buffers for temporarily storing data from the respective data streams may be dynamically defined (Col. 5, lines 47-52; data sequentially transferred, as in a queue);

which is able to use less than the maximum number of tracks that can be read by the pickup (Fig. 4B, step 473);

and when less than the maximum possible number of tracks that can be read by the pickup are being used, only FIFO buffers for data streams for those tracks used are defined (Fig. 4B, step 415).

However, Dahan *et al.* fail to disclose a disc reader wherein, at least one of the FIFO buffers is defined to have a size greater than the total FIFO memory that can be defined in the memory bank divided by the maximum number of tracks that can be read by the pickup.

The IBM Technical Disclosure Bulletin discloses a disc reader wherein, at least one of the FIFO buffers is defined to have a size greater than the total FIFO memory that can be defined in the memory bank divided by the maximum number of tracks that can be read by the pickup (Pg. 489; The shared RAM consists Of multiple FIFO queues. The collection of unoccupied cells is treated as an extra FIFO queue. The size of the extra FIFO queue is greater than the total RAM size when the unoccupied cells do not correspond to a FIFO of an individual track.).

(10) Response to Argument

Regarding claim 6, Appellant's arguments filed March 16, 2007 have been fully considered but they are not persuasive.

Appellant argues that Dahan fails to disclose using less than the maximum number of tracks that can be read by the pickup and only defining FIFO buffers for data streams for those tracks used. However, in the aforementioned 35 USC 103(a) rejection, Dahan does in fact disclose using less than the maximum number of tracks and only defining FIFO buffers for data streams for those tracks used as shown in Figure 4B.

While Appellant claims "wherein the reader can use less than the maximum number of tracks," the Appellant fails to specifically disclose the number of tracks that define the "maximum number of tracks." Therefore, giving claim 6 its broadest reasonable interpretation, one of ordinary skill in the art can conclude that "the maximum number of tracks" is the total number of tracks on the disk and thus reading any number of tracks less than the total number of tracks on the disk satisfies the claim limitation.

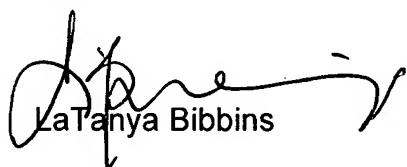
In addition, as illustrated in Figure 4B of Dahan, a first set of tracks are read, memory is allocated (see steps up to and including step 415), and the optical pickup is then moved to the next set of tracks (step 416), thereby reading less than the maximum number of tracks.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

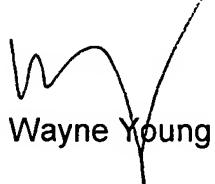
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



LaTanya Bibbins

Conferees:



Wayne Young



Dwayne Bost